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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/991,565	11/20/2001	Stephen R. Bacso	3/2636-10	2982

7590 07/31/2006

OSTROLENK, FABER, GERB & SOFFEN, LLP
1180 AVENUE OF THE AMERICANS
NEW YORK, NY 11036-8403

EXAMINER

USTARIS, JOSEPH G

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 07/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/991,565	Applicant(s) BACSO ET AL.	
	Examiner Joseph G. Ustaris	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 7-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 7-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 May 2006 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This action is in response to the amendment dated 05 May 2006 in application 09/991,565. Claims 1 and 7-25 are pending. Claim 1 is amended. Claims 7-25 are new.

The objections to the title, abstract, disclosure, and claim 2 are now withdrawn in view of the amendments.

Furthermore, the 35 U.S.C. 112, second paragraph rejection of claims 2 and 3 is now withdrawn in view of the amendments.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 7, 9-13, 19, 20, and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by Zigmond et al. (US006698020B1).

Regarding claim 1, Zigmond et al. (Zigmond) discloses a method for automated reporting of a log of viewing history and habits of a plurality of viewers in a plurality of households to a data collection system in a communications network (See Fig. 4; col. 9 line 21 – col. 10 line 15). The system collects in the log information about which viewer

in a household of viewers was watching content (See col. 9 lines 21-38 and col. 9 line 56 – col. 10 line 3); records in the log events of the viewer making a selection of the content and the viewer viewing the content (See col. 9 lines 21-38 and col. 9 line 56 – col. 10 line 3); and reporting contents of the log to a reporting facility (See col. 9 lines 48-55).

Regarding claim 7, content providers use the contents of the log to target new content and receiver parameters matching the new content to the viewers (See col. 9 lines 33-38 and lines 52-55).

Regarding claim 9, the system accepts a viewer input to the receiver inherently from one of: a receiver's remote control, a receiver's keyboard, a receiver's front-panel switches in order to successfully make a selection (See col. 9 lines 30-31); records the log on the receiver (Fig. 4, collection location 61; col. 9 lines 42-45); and analyzing the viewer input at a head-end to determine which viewer in the household was watching the content (See col. 9 line 39 – col. 10 line 3).

Regarding claim 10, the viewer input includes a combination of keystrokes (See col. 9 lines 21-38, e.g. channel changes), a content selection (See col. 9 lines 21-38, e.g. selecting an advertisement), timing (See col. 11 lines 13-30, e.g. monitoring the amount of time spent viewing), and a selection of a viewer profile on the receiver (See col. 9 lines 56-65, e.g. the viewer logging in).

Regarding claim 11, the viewer input further includes control input for triggering of functional opportunities (See col. 9 lines 21-38, e.g. the viewer selecting an ad triggers an ad to be displayed to the viewer).

Regarding claim 12, the viewer input is analyzed to determine viewer's viewing habits according to frequency of the viewer input (e.g. channel changes), selections of the viewer input (e.g. selecting an ad), and the content selected as a result of the viewer input (e.g. the selected ad) (See col. 9 lines 21-38 and col. 11 lines 13-30).

Regarding claim 13, the level of detail of the log is selected from the selections made by the viewer (See col. 9 lines 21-38 and col. 11 lines 13-30).

Regarding claim 19, reporting is performed in real-time or deferred, and wherein the deferred reporting aggregates a plurality of logs and reports all aggregated logs (See col. 9 lines 45-55).

Regarding claim 20, recording of the log is performed in response to external real-time triggers (See col. 9 lines 21-38, e.g. displaying of the ads), the external triggers being pre-selection of content (See col. 9 lines 21-38 e.g. the viewer is given multiple ads to view) and internal triggers are one of a plurality of interactions of the receiver (See col. 9 lines 21-38, e.g. the selection of one ad from the viewer inputted to the receiver).

Regarding claim 25, the communications network includes a broadcast network (Fig. 8, feed 52) and a plurality of interactive networks (e.g. Internet) (See Fig. 8; col. 10 lines 4-15).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8, 15, 18, 21, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zigmond et al. (US006698020B1).

Regarding claim 8, Zigmond discloses using the content of the log to target new content to the viewer and to determine when a content viewing opportunity arises (See col. 9 lines 21-38 and col. 11 lines 13-30). However, Zigmond does not disclose maintaining viewer confidentiality.

Official Notice is taken that it is well known in the art to maintain viewer confidentiality. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the system disclosed by Zigmond to maintain viewer confidentiality in order to provide security features within the system that will protect the viewers.

Regarding claim 15, Zigmond does not disclose that the storage space used by the log is managed and the log can be deleted in accordance with temporal factors.

Official Notice is taken that it is well known in the art to manage storage space by deleting data in accordance with temporal factors. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the system disclosed by Zigmond to manage storage space by deleting data in accordance with temporal factors in order to ensure that space is available to record new logs.

Regarding claim 18, Zigmond does not disclose that the receiver includes conditional access features for securely transmitting the log.

Official Notice is taken that it is well known in the art to securely transmit data. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the system disclosed by Zigmond in order to provide security features within the system that will protect the viewers as well as the system.

Regarding claim 21, Zigmond does not disclose triggers that include an address and phone number to which the logs is to be sent.

Official Notice is taken that it is well known in the art for triggers to include address and phone number. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the system disclosed by Zigmond to include an address and phone number to which the logs is to be sent in order to ensure that the information is delivered to the correct location.

Regarding claim 22, Zigmond does not disclose triggers that are selected from one of demographic based and/or statistically based.

Official Notice is taken that it is well known in the art to select triggers based on demographic and/or statistic. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the system disclosed by Zigmond to select triggers based on demographic and/or statistic in order to enhance the means of targeting receivers/viewers thereby providing more options for the content providers when gathering information.

Claims 14, 16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zigmond et al. (US006698020B1) in view of Ohkura et al. (US006347400B1).

Claim 14 contains the limitations of claim 1 and is analyzed as previously discussed with respect to that claim. However, Zigmond does not disclose accumulating and storing of the log is performed within the facilities of a conditional access system (CAS) used for impulse pay-per-view (IPPV) purchase recording.

Ohkura et al. (Ohkura) discloses a system that records the viewing history of the user within an IPPV system. Ohkura discloses that a log is used to store viewing histories within an IC card system that is also represented of the IPPV programs the viewer viewed or "accumulating and storing of the log is performed within the facilities of a conditional access system (CAS) used for impulse pay-per-view (IPPV) purchase recording" (See Fig. 1, IC card and card reader; col. 5 lines 24-33). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the system disclosed by Zigmond to accumulate and store the log within the facilities of a conditional access system (CAS) used for impulse pay-per-view (IPPV) purchase recording, as taught by Ohkura, in order to expand the capabilities of the system thereby providing an efficient means for billing the viewers for the IPPV viewed by the viewer.

Regarding claim 16, the log (e.g. the viewing histories of the viewer) and the PPV purchase (e.g. the IPPV programs viewed by the viewer reported in the viewing histories) are reported together by the CAS (See Ohkura col. 5 lines 24-33).

Regarding claim 17, the reporting (e.g. the viewing histories) and the PPV purchase (e.g. the IPPV programs viewed by the viewer reported in the viewing histories) is performed simultaneously in a broadcast network and an interactive network between a plurality of viewers and a head-end (e.g. the processing system) (See Ohkura Fig. 1, broadcast waves, modem, and T1 line; col. 5 lines 24-33).

Claims 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zigmond et al. (US006698020B1) as applied to claims 8, 15, 18, 21, and 22 above, and further in view of Sitnik (US20020010935A1).

Regarding claim 23, Zigmond does not disclose geographical triggers to include only receivers in a particular postal code area to signal reporting of logs only from the receivers in that postal code area.

Sitnik discloses a system that collects viewing information from other televisions. Sitnik discloses that a service provider can request how many people in a zip code are watching a certain program. Inherently, the system sends out geographical triggers to receivers and only the receivers in that zip code will report or "geographical triggers to include only receivers in a particular postal code area to signal reporting of logs only from the receiver in that postal code area" in order to successfully receive the requested information (See paragraph 0024). The geographical triggers are broadcasts over a wide geographical area (e.g. all the receivers within the zip code will receive a geographical trigger) (See paragraph 0024). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the system

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disclosed by Zigmond to create geographical triggers to include only receivers in a particular postal code area to signal reporting of logs only from the receivers in that postal code area, as taught by Sitnik, in order to give the providers more options on how and where information is collected thereby giving the providers more targeted statistics.

Regarding claim 24, Zigmond in view of Sitnik does not disclose a step of load balancing, wherein the receivers from different postal codes area are reporting to different local servers and the different local servers forward the logs to a bank of central servers at a control center.

Official Notice is taken that it is well known in the art to perform load balancing. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the system disclosed by Zigmond to perform load balancing in order to allow the system to efficiently use the network's bandwidth thereby reducing the risks of overloading the network.

Response to Arguments

4. Applicant's arguments with respect to claims 1 and 7-25 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph G. Ustaris whose telephone number is 571-272-7383. The examiner can normally be reached on M-F 7:30-5PM; Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S. Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



JGU

July 21, 2006



CHRIS KELLEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600